

REMARKS

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicants acknowledge and appreciate receiving an initialed copy of the forms PTO-1449 that were filed on June 25, 2003, July 29, 2004 and November 9, 2004.

Claims 1 – 5 are pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1 and 5 were objected to for the reasons stated in the office action. Claims 1 and 5 have been amended to correct the wording as suggested in the office action.

Claims 4 and 5 were rejected under 35 USC 112, first and second paragraphs, as being unsupported by the specification and indefinite. The wording mentioned in the office action has been canceled from claim 5. Therefore, the examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 1 and 3 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,904,367, Warnez et al. (“Warnez”). Claim 2 was rejected under 35 USC 103(a) as being unpatentable over Warnez in view of U.S. Patent No. 5,183,288, Inada et al. (“Inada”). Claim 1 has been amended. Support for claim 1 is disclosed, for example, in Figs. 1, 2, and 7, and therefore does not present new matter. Insofar as the rejections may be applied to the claims as amended, the rejections respectfully traversed for reasons including the following, which are provided by way of example.

As described in the application, one or more aspects are directed to solving the problem of providing “an airbag device for knee protection capable of protecting the occupant’s knees properly without having the expanding and inflating airbag go into the gap between the airbag cover and the interior decoration member” (Specification page 2, lines 20 – 24.)

Claim 1 recites in combination, for example, “that a gap formed between the interior decoration member and an upper side of the airbag cover along the front-rear direction is covered when the airbag is deployed.”

The office action contends that Warnez discloses an airbag device including an airbag cover having a door. However, Warnez fails to teach or suggest that the gap is formed between the upper side of the airbag cover and the interior decoration member along the front-rear direction, when the airbag is extended and expanded. Of course, it is not disclosed that the opened door covers that gap.

Warnez fails to teach or suggest, for example, these elements recited in independent claim 1. It is respectfully submitted therefore that claim 1 is patentable over Warnez.

For at least these reasons, the combination of features recited in independent claim 1, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Warnez clearly fails to show other recited elements as well.

With respect to the rejected dependent claims 2 and 3, the applicants respectfully submit that these claims are allowable not only by virtue of their dependency from independent claim 1, but also because of additional features they recite in combination.

Independent claim 4 was rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 3,784,223, Hass et al. (“Hass”). Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Hass in view of Warnez. Claim 4 has been amended. Support for claim 4 is

disclosed, for example, in Figs. 1, 2, 4 and 6, and therefore does not present new matter.

Insofar as the rejections may be applied to the claims as amended, the rejections are respectfully traversed for reasons including the following, which are provided by way of example.

Independent claim 4 recites in combination, for example, “the case being arranged directly below the steering column, the case further being arranged apart from the steering column before the airbag is inflated, the recessed section being arranged substantially at a lateral center of the case to indent a portion of the case near an upper and front-side corner of the case.” Consequently, the distance between the case and the steering column is larger; therefore, even if the case is shifted forward upon deployment of the airbag, the case is prevented from contacting the steering column. Also, the recess section is arranged at the upper and front-side corner (that is, at the steering column side).

Without conceding that Hass discloses any feature of the present invention, Hass is directed to an airbag device arranged under the steering column 112. According to Hass, the case is attached to the steering column 112. In Hass, the portion of reference number 80 is a bolt attaching the case to the steering column.

The office action asserts that Hass discloses the invention as claimed. To the contrary, Hass fails to teach or suggest the invention, as presently claimed, when the claims are considered as a whole. Hass fails to teach or suggest, for example, “the case further being arranged apart from the steering column.” (See, e.g., claim 4.) To the contrary, Hass’ case is bolted to the steering column.

Hass fails to teach or suggest, for example, these elements recited in independent claim 4. It is respectfully submitted therefore that claim 4 is patentable over Hass.

For at least these reasons, the combination of features recited in independent claim 4, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Hass clearly fails to show other recited elements as well.

With respect to rejected dependent claim 5, the applicant respectfully submits that the claim is allowable not only by virtue of its dependency from independent claim 4, but also because of additional features it recites in combination.

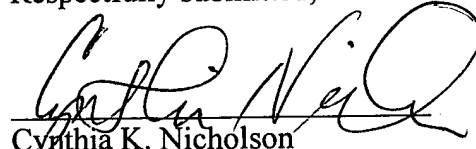
The applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. The applicants do not concede that the cited prior art shows any element recited in the claims. However, the applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

The applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples the applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, the applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cynthia K. Nicholson', written over a horizontal line.

Cynthia K. Nicholson

Reg. No. 36,880

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400